IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1944 (SS) OF 2003

Dinesh Chandra Pande,
S/o Sri Devi Datt Pande,
R/o Village Pande Khola
P.O. Lakmeshwar, District-Almora. .....Petitioner.

Versus

1. State Uttaranchal, through Secretary, Education (Secondary) Uttaranchal, Dehradun.
2. Director General Medical, Health and Family Welfare, Uttaranchal, Dehradun.
3. Principal Government Inter College, Almora, District-Almora.
4. State U.P., through Secretary Medical and Health Lucknow, U.P. .....Respondents.

Dated: 08.03.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Harshvardhan Sah, Advocate for the petitioner and Standing Counsel for the respondents no. 1 to 3.

By the present writ petition, petitioner has prayed for a writ of mandamus directing the respondents to pay the Medical Reimbursement Amount of Rs. 25,164/- & 20563/- with interest granted by the respondent no. 2 with further directions to the respondent no. 1 to grant approval/sanction for payment of the aforesaid amount as granted by the respondent no. 2.

Briefly stated, the State of U.P. published a Govt. Order dated 01.01.1998 according to which a Government Servant shall be entitled for medical reimbursement on account of his own illness or on the illness of his family members. The wife of the petitioner fell ill due to disease in her kidney and on account of the same she was medically treated at All India Institute of Medical Science New Delhi from 17.04.1998 up to 26.06.1998 and 06.06.1996 to 24.03.1997 and further from 06.10.1998 to 23.04.1998 and on account of expenses incurred for the aforesaid treatment, the petitioner claimed Rs. 20,587/- and Rs. 28,811/- through Bill Vouchers.

The aforesaid Medical Reimbursement amount was not paid to the petitioner. The wife of the petitioner died in the year, 1999 leaving behind two sons, the petitioner made several representations for the payment of the aforesaid amount but the same was not paid.

Thereafter, on 11.04.2002 the respondent no. 2 through his office sent a letter to the respondent no. 3 stating therein that an amount of Rs. 25164/- & 20563/- in favour of the petitioner as Medical Reimbursement is awaiting sanction from the Govt.

In the aforesaid letter dated 11.04.2002, the respondent no. 2 has directed the respondent no. 3 to get the aforesaid reimbursement amount sanctioned and approved from the administration i.e. the respondent no.1.

Thereafter, the respondent no. 3 sent a letter to the Distt. Inspector of Schools and directed him to forward the representations of the petitioner with regard to the grant of the sanction for payment of the reimbursement amount from the administration.

When no amount was paid to the petitioner, he sent a legal notice dated 13.03.2003 to the Distt. Magistrate Almora

and copies of the same were forwarded to the respondents no. 1 and 2 for payment of the aforesaid reimbursement amount to him along with interest of 18% per annum.

In reply to the aforesaid notice, the respondent no. 3 has sent a reply on 02.05.2003 stating therein that the amount shall be paid only after approval is granted by the Higher Authorities of the Department/Administration.

A counter affidavit has been filed by the State, where the aforesaid facts have not been disputed.

In view of the above, respondent no. 1 is directed to pass appropriate sanction on the amount as claimed by the petitioner along with the interest @ 6% per annum within a period of two months from the date of production of the certified copy of the order and pay the same forthwith.

Writ petition is allowed. No order as to costs.

08.03.2006 (Rajesh Tandon, J.)

Rathour